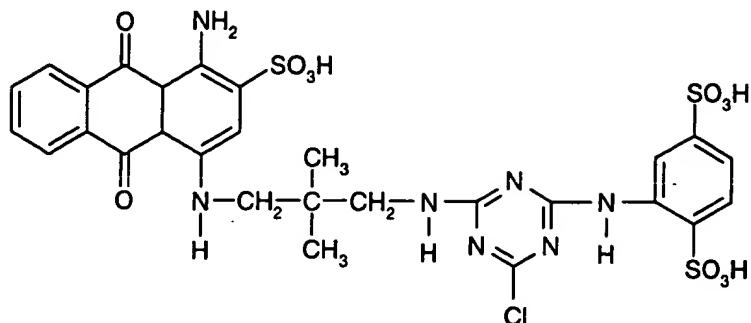


--19. An anthraquinone dye according to claim 9, wherein the dye of formula (5) is a dye of formula



(10).-

REMARKS

Claims 2-3, 5 to 10 and 16 to 19 are now pending.

Claims 11 and 12 are objected to as being dependent upon a rejected base claim. Claim 11 has been amended to eliminate dependency on claim 16. Hence Applicants aver that claims 11 and 12 are now in condition for allowance.

New claim 19 is supported by page 6 of the specification, second and third paragraphs as well as by Example 7 (page 12 of the specification). Hence no new matter has been added.

Claims 2-3, 5 to 10 and 16 to 18 remain rejected under 35 U.S.C. § 103 as being unpatentable over Harms, GB 2,034,731. Reconsideration of said rejection with regard to claims 2-3, 5 to 10 and 16 to 19 is requested in light of the amendment *supra*, the previously submitted Amendment, declaration and remarks directed thereto and the following additional remarks.

It is well established that the mere naming of a compound in a reference without more cannot constitute a description of a compound, particularly when the evidence of record suggests that no method exists for its preparation. See *in re Wiggins et al.*, 179 USPQ 421, 425 (CCPA, 1973). Applicants aver that the previously submitted Amendment and declaration establish that 2,4-diaminopentane, the C₅-diamine needed to obtain the dyes shown in prophetic Examples 48 and 74 of Harms, is not commercially available and they have shown it cannot be made by procedures generally employed in the art of amine preparation.

Reconsideration and withdrawal of the rejection of claims 2-3, 5 to 12 and 16 to 19 is respectfully solicited in light of the remarks *supra*.

Since there are no other grounds of objection or rejection, passage of this application to issue with claims 2-3, 5 to 12 and 16 to 19 is earnestly solicited.

Respectfully submitted,



Kevin T. Mansfield
Agent for Applicants
Reg. No. 31,635

Ciba Specialty Chemicals Corporation
Patent Department
540 White Plains Road
P.O. Box 2005
Tarrytown, NY 10591-9005
(914) 785-7127

KTM\20161CPA

AUG 23 1999